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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/550,511 | 09/23/2005 | Takashi Sato | 09812.0088 | 1974 |
| 22852 7590 08/19/2008 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413 | | | | |
| | | | EXAMINER DOAN, TRANG T | |
| | | | ART UNIT 2131 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,511

Applicant(s)

SATO, TAKASHI

Examiner

TRANG DOAN

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/13/2007.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 23 September 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date 01/20/06
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-7 are pending for consideration.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 6 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
5. Claim 6 recites a program for causing an information processing apparatus to carry out a procedure, which is interpreted as a computer program, however, the claim fails to assert the program recorded on an appropriate computer-readable medium so as to be structurally and functionally interrelated to the medium and permit the function of the descriptive material to be realized. Since a computer program is merely a set of instructions capable of being executed by a computer without a computer-readable medium needed to realize the computer program's functionality, it is regarded as nonstatutory functional descriptive material. See MPEP 2106.01 for details.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Sekiguchi (US 6928541) (hereinafter Sekiguchi).

8. Regarding claim 1, Sekiguchi discloses an information processing apparatus comprising: storage medium drive controlling means for controlling writing and reading of data to and from a storage medium including at least a first storage area which stores data constituting an application program in a non-rewritable format, a second storage area which stores identification information indicating that at least said application program is legitimately stored on said storage medium, and a third storage area into which to store user-related information in write-once fashion (Sekiguchi: See figure 2); authenticating means for authenticating said storage medium at least in accordance with said identification information stored in said second storage area (Sekiguchi: column 6 lines 44-59 and column 8 lines 51-62); setting means which, if said storage medium is successfully authenticated by said authenticating means, then sets requirements for executing said application program stored in said first storage area, using setting information which at least includes said user-related information and which

is stored on said storage medium (Sekiguchi: column 7 lines 8-13, column 7 lines 52-55 and column 8 lines 4-22); and executing means for executing, in an environment set up by said setting means, said application program stored in said first storage area of said storage medium (Sekiguchi: column 8 lines 4-22 and column 8 lines 65-67).

9. Regarding claim 2, Sekiguchi discloses storage controlling means which, if said user-related information is not found on said storage medium, then causes said storage medium drive controlling means to store subsequently input user-related information into said third storage area of said storage medium (Sekiguchi: column 8 lines 51-62).

10. Regarding claim 3, Sekiguchi discloses wherein said storage medium includes a fourth storage area into which to store rewritable process-ready data to be processed by said application program; and wherein said executing means causes said storage medium drive controlling means to store into said fourth storage area the process-ready data resulting from the execution of said application program (Sekiguchi: column 8 lines 65-67 and column 9 lines 1-18).

11. Regarding claim 4, Sekiguchi discloses wherein said identification information stored in said second storage area is allocated uniquely to each piece of said storage medium on which said application program is stored (Sekiguchi: See figure 2 and column 8 lines 4-22).

12. Regarding claim 5, Sekiguchi discloses an information processing method comprising the steps of: writing/reading data to and from a storage medium including at least a first storage area which stores data constituting an application program in a nonrewritable format, a second storage area which stores identification information

indicating that at least said application program is legitimately stored on said storage medium, and a third storage area into which to store user-related information in write-once fashion (Sekiguchi: See figure 2); authenticating said storage medium at least in accordance with said identification information stored in said second storage area (Sekiguchi: column 6 lines 44-59 and column 8 lines 51-62); if said storage medium is successfully authenticated in said authenticating step, then setting requirements for executing said application program stored in said first storage area, using setting information which at least includes said user-related information and which is stored on said storage medium (Sekiguchi: column 7 lines 8-13, column 7 lines 52-55 and column 8 lines 4-22); and executing, in an environment set up in said setting step, said application program stored in said first storage area of said storage medium (Sekiguchi: column 8 lines 4-22 and column 8 lines 65-67).

13. Regarding claim 6, Sekiguchi discloses a program for causing an information processing apparatus to carry out a procedure comprising the steps of: writing/reading data to and from a storage medium including at least a first storage area which stores data constituting an application program in a nonrewritable format, a second storage area which stores identification information indicating that at least said application program is legitimately stored on said storage medium, and a third storage area into which to store user-related information in write-once fashion (Sekiguchi: See figure 2); authenticating said storage medium at least in accordance with said identification information stored in said second storage area (Sekiguchi: column 6 lines 44-59 and column 8 lines 51-62); if said storage medium is successfully authenticated in said

authenticating step, then setting requirements for executing said application program stored in said first storage area, using setting information which at least includes said user-related information and which is stored on said storage medium (Sekiguchi: column 7 lines 8-13, column 7 lines 52-55 and column 8 lines 4-22); and executing, in an environment set up in said setting step, said application program stored in said first storage area of said storage medium (Sekiguchi: column 8 lines 4-22 and column 8 lines 65-67).

14. Regarding claim 7, Sekiguchi discloses a storage medium which stores a program for causing an information processing apparatus to carry out a procedure comprising the steps of: writing/reading data to and from a storage medium including at least a first storage area which stores data constituting an application program in a nonrewritable format, a second storage area which stores identification information indicating that at least said application program is legitimately stored on said storage medium, and a third storage area into which to store user-related information in write-once fashion (Sekiguchi: See figure 2); authenticating said storage medium at least in accordance with said identification information stored in said second storage area (Sekiguchi: column 6 lines 44-59 and column 8 lines 51-62); if said storage medium is successfully authenticated in said authenticating step, then setting requirements for executing said application program stored in said first storage area, using setting information which at least includes said user-related information and which is stored on said storage medium (Sekiguchi: column 7 lines 8-13, column 7 lines 52-55 and column 8 lines 4-22); and executing, in an environment set up in said setting step, said

application program stored in said first storage area of said storage medium (Sekiguchi: column 8 lines 4-22 and column 8 lines 65-67).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRANG DOAN whose telephone number is (571)272-0740. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Trang Doan/
Examiner, Art Unit 2131
/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art Unit 2131